

The Connecticut Board of Examiners for Opticians held a meeting on January 31, 2007 at the Department of Public Health, Capitol Avenue, Conference Room E, Second Floor, Hartford, Connecticut.

BOARD MEMBERS PRESENT:	Raymond P. Dennis, LO, Chairman Ann Tosca, Public Member
BOARD MEMBERS ABSENT:	None
ALSO PRESENT:	Gary Griffin, Investigations Supervisor Jennifer Filippone, Chief Practitioner, Licensing and Registration Maritsa Morales, Licensing and Examination Analyst Stephen Carragher, Health Program Supervisor Stanley Peck, Section Chief, Legal Office Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:00 AM.

MINUTES – November 15, 2006

The minutes of the November 15, 2006 meeting were reviewed. Mr. Dennis moved and Ms. Tosca seconded that these minutes be approved as written. The motion passed.

NEW BUSINESS

A Investigations Update

Gary Griffin, Investigations Supervisor, reported that there are no new cases at this time and that one case is pending. He indicated that one optical shop has opened in New Fairfield and that Wal-Mart has opened two optical shops – one in Norwich and one in Groton. Mr. Griffin had a question regarding the sale of demo frames. Mr. Dennis indicated that it is not against the law and it is a common practice.

Jennifer Filippone, Chief Practitioner, Licensing and Registration updated the Board regarding a letter dated October 25, 2006 from the Connecticut Opticians Association which was sent to Chairman Raymond Dennis, Board of Examiners for Opticians at Department of Public Health referring to a complaint filed in October, 2005. Ms. Filippone indicated that it would not be appropriate for the Board to respond to this letter and that the Department will handle the investigation and response.

B. Reinstatement Applications

Stephen Carragher, Health Program Supervisor, apprised the Board that the Department has received two reinstatement applications for Optician licensure. The Board carefully reviewed these applications and recommended the following.

Larry Lawson – License #000711 -The Board required that he complete the current continuing education requirements. This means a minimum of three years' worth of credits to be in line with the guidelines set up in the Connecticut statutes. The Board will require him to provide documentation of same.

Richard Ayotte – License #001402 -The Board will require him to sit for the licensing examination. He will also need to complete a one-year apprenticeship in the next 5 years. At least one of these 5 years he will need to maintain continuing education courses. This would also require the minimum number of hours for contact lenses – 3 months full time under supervision – to prepare for the examination. The Board will need documentation of these requirements. He would then be granted a limited license which would allow him to practice within the framework of the Board's recommendation.

C. Examination Update

Maritsa Morales, Licensing and Examination Analyst, gave the official results of the November licensing examinations. Ms. Morales indicated that 3 candidates appealed the results of the examination and one candidate appeared before the Board. Following a motion by Ms. Tosca and seconded by Mr. Dennis, the Board went into Executive Session at 9:20 A.M. to review the examination results of the three candidates. After careful review and discussion by members of the Board, it was determined that the results would remain the same and the three candidates would be required to retake the examination in June, 2007. The candidates will receive this information in writing as soon as possible. Following a motion by Mr. Dennis and seconded by Ms. Tosca, the Executive Session adjourned at 9:35 A.M.

D. Proposed Legislation – An Act Concerning Patient Protection and Health Care Practitioner Security Fund

Stanley Peck, Section Chief, Legal Office, Department of Public Health (DPH), apprised the Board of a proposed bill sponsored by DPH – An Act Concerning Patient Protection and Health Care Practitioners. He indicated that a similar bill is being proposed by the Coalition of Health Care Professionals. He outlined the major differences in the bills, and explained the following important key elements in the Department's bill which the Coalition's bill failed to provide.

- There should be confidentiality for practitioners receiving services pursuant to the law.
- There should be a single organization, Section 501(c) (3), operating the program and providing assistance to all professionals, not multiple professional organizations and societies.
- There should be a contract in place between the Department of Public Health and such organization that specifies the manner in which the services will be provided. Allow for termination in the event that the organization fails to comply with such contract. This will insure accountability.
- There should be clear directives in the law that require referral to the Department of a practitioner who fails to comply with the terms of this program of rehabilitation, even if that person wishes to remain in the program or agrees to refrain from practice. This will assure appropriate regulatory oversight and adequately protect the public. The law should make clear that the Department can elect to refer the practitioner back to the program for services.

A motion was made by Ms. Tosca and seconded by Mr. Dennis to authorize the Board to fully support the bill proposed by the Department of Public Health.

ADJOURNMENT

Mr. Dennis made a motion and Ms. Tosca seconded to adjourn the meeting at 10:30 a.m. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on May 2, 2007 at the Department of Public Health, Capitol Avenue, Conference Room E, Second Floor, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Kathleen Boulware, Practitioner Investigation Unit
Maritsa Morales, Licensing and Examination Analyst
Stephen Carragher, Health Program Supervisor
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:25 AM.

MINUTES – January 31, 2007

The minutes of the January 31, 2007 meeting were reviewed. Mr. Dennis moved and Ms. Tosca seconded that these minutes be approved as written. The motion passed.

NEW BUSINESS

A Investigations Update

Kathleen Boulware, Practitioner Investigation Unit advised the Board that the Department is preparing a Statement of Charges against an Optical Shop on multiple illegal activities. Also, the shop has not been able to maintain a full time Optician. The owner is licensed in several other states but has not been able to successfully complete the Connecticut licensing examination. The Board will be kept apprised of the progress in this case.

B. Examination Update

Maritsa Morales, Licensing and Examination Analyst, indicated that 17 candidates have applied for the Eyewear Examination on June 4, 2007 and 16 candidates for the Contact Lens Examination on June 12, 2007. Ms. Morales also advised the Board that the list of supplies for the examinations needs to be updated. The Board granted approval of same.

ADJOURNMENT

Mr. Dennis made a motion and Ms. Tosca seconded to adjourn the meeting at 9:45 a.m. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on July 9, 2007 at the Department of Public Health, Capitol Avenue, Second Floor Law Library, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman – *via telephone*
Ann Tosca, Public Member – *via telephone*

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Daniel Shapiro, Assistant Attorney General
Jeffrey Kardys, Board Liaison

Chairman Dennis called the meeting to order at 9:00 AM.

NEW BUSINESS

Memorandum of Decision - La Lunetterie, LLC

Assistant Attorney General was present for this matter. Members of the Board reviewed and discussed the Memorandum of Decision. Ms. Tosca made a motion, seconded by Mr. Dennis, to adopt the Memorandum of Decision revoking optical selling permit number 001670 of La Lunetterie, LLC, Greenwich, Connecticut. The motion passed unanimously. Once it is signed by Chairman Dennis, Mr. Shapiro will implement same. If this matter becomes a court case, Mr. Shapiro will represent the Board.

Mr. Shapiro provided an update regarding the enforcement of the Board's June 27, 2007 Cease and Desist Order issued to Michael Baker, owner of La Lunetterie, LLC.

ADJOURNMENT

Ms. Tosca made a motion and Mr. Dennis seconded to adjourn the meeting at 9:25 A.M. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on August 29, 2007 at the Department of Public Health, Capitol Avenue, Conference Room E, Second Floor, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Gary Griffin, Practitioner Investigation Unit, DPH
Maritsa Morales, Licensing and Examination Analyst, DPH
Stephen Carragher, Health Program Supervisor, DPH
Jeffrey Kardys, Board Liaison
Leslie Scoville, Staff Attorney, Legal Office, DPH

Chairperson Raymond Dennis called the meeting to order at 9:05 AM.

MINUTES – May 2, 2007, July 9, 2007

The minutes of the May 2, 2007 and July 9, 2007 meetings were reviewed. Mr. Dennis moved and Ms. Tosca seconded that these minutes be approved as written. The motion passed.

NEW BUSINESS

A. Investigations Update

Gary Griffin, Practitioner Investigation Unit advised the Board that there is one case pending regarding an Optical shop.

B. Reinstatement Application

Stephen Carragher, Health Program Supervisor, advised the Board that the Department has received an application for licensure reinstatement for Jennifer Poston – License #001491. She last practiced as an Optician in December 2003. The Board recommended that her license be reinstated contingent upon continuing education and she will be referred to the Connecticut Opticians Association regarding continuing education programs.

C. Examination Update

Maritsa Morales, Licensing and Examination Analyst advised the Board of the dates for the upcoming examinations: Contact Lens - November 5, 2007 and Eyewear - November 12, 2007. September 14, 2007 is the deadline for applications.

Ms. Morales reported on the results of the June examinations. She indicated that 15 candidates wrote the Contact Lens Examination – 12 passed and 3 failed. 16 candidates wrote the Eyewear examination – 9 passed and 7 failed.

D. Examination Appeals

Three candidates appealed the results of the examination and appeared before the Board. Following a motion by Mr. Dennis and seconded by Ms. Tosca, the Board went into Executive session at 9:20 A.M. to review the examination results of the three candidates. After careful review and discussion by members of the Board, it was determined that the results would remain the same and the three candidates would be required to retake the examination in November 2007. The candidates will receive this information in writing as soon as possible. Following a motion by Ms. Tosca and seconded by Mr. Dennis the Executive Session adjourned at 9:40 A.M.

LEGAL OFFICE BUSINESS

Cohen's Fashion Optical – Petition No. 2007-0719-057-004

Motion for Summary Suspension

Assistant Attorney General Emily Melendez was present by telephone conference to provide counsel to the Board.

The Board reviewed and discussed the Motion for Summary Suspension regarding Cohen's Fashion Optical Shop with Leslie Scoville, Staff Attorney, Legal Office, DPH. On or about July 11, 2007, the respondent's only licensed optician left employment without prior notice. Therefore, from about July 11, 2007 until about July 30, 2007 the respondent was open for business without a licensed optician on duty. The Department believes that the respondent's continued practice as a licensed optical store represents a clear and immediate danger to the public health and safety. Therefore, the Department requests that the Board summarily suspend respondent's license until a full hearing on the merits can be held. Cohen's Fashion Optical was open for business without a licensed optician on duty. One section of the Statement of Charges was amended and the Board approved the Summary Suspension. The Board scheduled a hearing regarding this matter on September 10, 2007 at 9:00 A.M. and the respondent will be sent a notice of the hearing. The board will be represented by an Assistant Attorney General.

ADJOURNMENT

Mr. Dennis made a motion and Ms. Tosca seconded to adjourn the meeting at 10:30 a.m. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on November 14, 2007 at the Department of Public Health, Capitol Avenue, Conference Room E, Second Floor, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Gary Griffin, Practitioner Investigation Unit, DPH
Maritsa Morales, Licensing and Examination Analyst, DPH
Jeffrey Kardys, Board Liaison
Leslie Scoville, Staff Attorney, Legal Office, DPH

Chairperson Raymond Dennis called the meeting to order at 9:05 AM.

MINUTES – August 29, 2007

The minutes of the August 29, 2007 meeting were reviewed. Mr. Dennis moved and Ms. Tosca seconded that these minutes be approved as written. The motion passed.

NEW BUSINESS

A. Department of Public Health Motion to Withdraw Statement of Charges
Cohen’s Fashion Optical – Petition No. 2007-0719-057-004

Mr. Kardys advised the Board that the Department of Public Health has made a motion for the Board to withdraw the Statement of Charges regarding Cohen’s Fashion Optical. The Motion was presented by Leslie Scoville, Staff Attorney, Legal Office, DPH. As the grounds for this Motion, the Department states that on October 3, 2007, agent for respondent signed Voluntary Surrender. The Department has accepted respondent’s Affidavit and license. Respondent has voluntarily given up its right to practice as an optical chop in Connecticut with the Department’s approval. For this reason, the Department believes that continued prosecution of this case is unnecessary, and that it is in the interests of justice and administrative economy to terminate these proceedings at this time. After some discussion by the Board, Mr. Dennis made a motion to approve the Motion to Withdraw Statement of Charges and Ms. Tosca seconded the motion.

B. Memorandum of Decision
Cohen’s Fashion Optical – Petition No. 2007-0719-057-004

In light of the above decision to withdraw the Statement of Charges, the Board indicated that this would negate the Memorandum of Decision. However, the Board stipulated that should the respondent decide to reapply for a license to operate an optical shop in the future, the Board would need to have assurance that the shop would be operating legally. The respondent understands that any such application must be made to the Department which shall have absolute discretion, after seeking advice of the Board, as to whether said license shall be issued or reinstated and, if so, whether said license shall be subject to conditions.

C. Investigations Update

Gary Griffin, Practitioner Investigation Unit advised the Board that there is one case pending.

D. Examination Update

Maritsa Morales indicated that she had nothing to report at this time regarding examinations.

E. Examination Appeals

Maritsa Morales reported that there were no appeals regarding the November examinations.

F. Schedule Meeting Dates for 2008

Following are the dates for Board Meetings scheduled for 2008.

January 30, 2008

April 30, 2008

August 13, 2008

November 19, 2008

All meetings will be scheduled for 9:00 a.m., at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut.

ADJOURNMENT

Mr. Dennis made a motion and Ms. Tosca seconded to adjourn the meeting at 10:30 a.m. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians